

REMARKS

This responds to the final Office Action dated 4 August 2009. Claims 1, 8, 16, and 17 have been amended. Claims 18 and 19 have been cancelled. Accordingly, claims 1, 3-8, 10, 12-17, and 20-23 are presently pending in the application, each of which Applicant believes is in condition for allowance. Applicant thanks the Examiner for indicating the allowability of claim 19. Applicant respectfully requests reconsideration in light of the above amendments and the following remarks.

Claim Rejections – Alleged Double Patenting

In the Action, claims 1, 3-8, 10, and 12-23 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1, 3-8, and 10 of copending Application No. 11/862,057 in view of Nasika “Transparent Migration of Distributed Communicating Processes.” Applicant respectfully traverses this rejection. As noted in section 804 of the MPEP, “If a ‘provisional’ nonstatutory obviousness-type double patenting (ODP) rejection is the only rejection remaining in the earlier filed of the two pending applications, while the later-filed application is rejectable on other grounds, the examiner should withdraw that rejection and permit the earlier-filed application to issue as a patent without a terminal disclaimer.” Applicant therefore requests withdrawal of the provisional double-patenting rejection of the present application.

Claim Rejections – 35 U.S.C. § 103

In the Action, the Examiner rejected claims 1, 3-8, 10, 12-14, 16-18, and 20-23 under 35 U.S.C. § 103(a) for allegedly being unpatentable by U.S. Publication No. 2002/0092003 to Calder et al. (“Calder”) in view of Nasika article titled “Transparent Migration of Distributed Communicating Processes” (“Nasika”). The Examiner also rejected claim 15 as allegedly being

upatentable over Calder in view of Nasika and further in view of U.S. Patent No. 6,081,897 to Bersson ("Bersson").

Applicant has amended independent claims 1, 8, and 16 to include the features of claims 18 and 19. Therefore, Applicant submits that each of claims 1, 8, and 16, as well as claims 3-7, 10, 12-15, 17, and 20-23, which depend from claims 1, 8, and 16, are in condition for allowance.

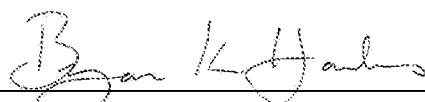
Conclusion

For at least the foregoing reasons, Applicant believes that each of the presently pending claims in this application is in immediate condition for allowance. Accordingly, Applicant respectfully requests a favorable action on the merits. If the Examiner has any further comments or suggestions, Applicant invites the Examiner to telephone the undersigned attorney to expedite the handling of this matter.

Applicant expressly disclaims all arguments, representations, and/or amendments presented or contained in any other patent or patent application, including any patents or patent applications claimed for priority purposes by the present application or any patents or patent applications that claim priority to this patent application. Moreover, all arguments, representations, and/or amendments presented or contained in the present patent application are only applicable to the present patent application and should not be considered when evaluating any other patent or patent application.

Respectfully submitted,

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Bryan K. Hanks
Registration No. 52,991